

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Criminal No. 5:04-CR-356-F
Civil No. 5:10-CV-445-F

MARVIN WILBERT POWELL
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

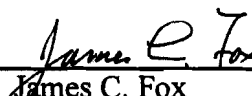
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ORDER

Having conducted an examination of petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

SO ORDERED.

This the 20th day of October, 2010.



James C. Fox
Senior United States District Judge